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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/20/2005

Klaus Linhard

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41288

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12/03/2008

PATENT CENTRAL LLC

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EXAMINER

ENSEY, BRIAN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,843	Applicant(s) LINHARD, KLAUS	
	Examiner Brian Ensey	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 22, 24-29, 37 and 39 is/are rejected.
- 7) ☒ Claim(s) 23, 30-36 and 40-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/20/05 & 9/12/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Kinya Japanese Patent Publication 2005073126A

Regarding claim 25, Kinya discloses a directional loudspeaker, comprising a sound source for producing highly directional sound which is formed by at least one ultrasound loudspeaker (1), a pivotable reflector (20A, 20B) being provided for deflecting the directional sound, wherein the at least one ultrasound loudspeaker is located in a housing (30), wherein the reflector is connected to the housing, and wherein the reflector is connected to and mounted on the wall of the housing so that it can be moved along the top of the wall (See Figs 1-3 and abstract translation, , louvers 20B are movable along the top wall of housing 30 by angle adjustment knob 27B).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 22, 24, 26 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinya in view of Fillery GB Patent Specification 1 463 802.

Regarding claim 22, Kinya discloses a directional loudspeaker, comprising a sound source for producing highly directional sound which is formed by at least one ultrasound

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loudspeaker (1), a pivotable reflector (20A, 20B) being provided for deflecting the directional sound, wherein the at least one ultrasound loudspeaker is located in a housing (30), wherein the reflector is connected to the housing (See Figs 1-3 and abstract translation). Kinya does not expressly disclose the housing is mounted on a support so as to be able to pivot and tilt relative to said support. However, the use of pivotable supports for speakers is well known in the art and Fillery teaches a pivotable support for mounting to a loudspeaker to allow the loudspeaker to be pivoted about any axis (See Figs. 1-3). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the speaker housing to be pivotable about an axis so that, in use, the mounted speaker can be adjusted relative to the support (See lines 19-33).

Regarding claim 24, the combination of Kinya in view of Finnery further discloses the reflector is connected to and mounted on the wall of the housing such that it can be moved along the top of the wall (See Kinya Fig. 3, louvers 20B are movable along the top wall of housing 30 by angle adjustment knob 27B).

Regarding claim 26, the combination of Kinya in view of Finnery further discloses the reflector is moveably connected to the housing by a joint (200A and 200B) (See Fig. 3).

Regarding claim 37, Kinya discloses a method for operating a directional loudspeaker, comprising: emitting highly directional sound from a sound source via at least one ultrasound loudspeaker (1), and deflecting the emitted sound by means of a reflector swivel-mounted on the housing (20A, 20B) (See Figs 1-3 and abstract translation). Kinya does not expressly disclose the directional orientation of the sound the housing includes a base and is tilted or pivoted relative to the base of the housing or, in the case that the housing is comprised of an inner part on which the reflector is mounted and a supplemental housing outer part, the inner part of the housing with

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which the reflector is connected is tilted or pivoted relative to the supplemental housing outer part. However, the use of pivotable supports for speakers is well known in the art and Finnery teaches a pivotable support for mounting to a loudspeaker to allow the loudspeaker to be pivoted about any axis (See Figs. 1-3). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the speaker housing to be pivotable about an axis so that, in use, the mounted speaker can be adjusted relative to the support (See lines 19-33).

Claims 27-29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kinya in view of Finnery in further view of Lin U.S. Patent No. 5,914,700.

Regarding claim 27, the combination of Kinya in view of Finnery does not expressly disclose the wall of the housing has a circular cross section. However, the use of circular cross sectional housings are well known in the art and Lin discloses a circular reflector structure for mounting to a circular speaker (See Fig. 3 and col. 2, lines 17-20). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the circular housing as taught by Lin for circular loudspeaker applications.

Regarding claims 28 and 39, the combination of Kinya in view of Finnery does not expressly disclose the sound source is mechanically protected by pivoting the reflector such that it closes it off particularly from environmental influences such as soiling and moisture. However, the use of pivoting reflectors to protect the sound source is well known in the art and Lin teaches a louver structure for a loudspeaker housing with slats which close to protect the speaker against duct accumulation (See Fig. 1 and abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to close the louvers of the combination of Kinya in view of Finnery to protect the speaker against duct accumulation.

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Regarding claim 29, the combination of Kinya in view of Finnelly does not expressly disclose the housing, in which the ultrasound loudspeaker is situated, can be sealed by the reflector. However, Lin teaches a louver structure for a loudspeaker housing with slats which close and seal the speaker. (See Fig. 1 and abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to close the louvers of the combination of Kinya in view of Finnelly as taught by Lin to seal the ultrasonic speaker to protect the speaker.

Allowable Subject Matter

Claim 38 is allowed.

Claims 23, 30-36 and 40-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 22-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:00 AM - 2:30 PM.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Va. 22313-1450

Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".
Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Arlington, VA 22314

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Ensey/
Primary Examiner, Art Unit 2614
December 2, 2008